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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,687	06/21/2001	Steve O'Halloran	15-925 4983	8654
26123	7590	01/13/2006		
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			EXAMINER FISCHEITTI, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,687

Applicant(s)

O'HALLORAN ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 33, 35-37, 39, 40 and 42-48 is/are pending in the application.
4a) Of the above claim(s) 35-37, 39, 40 and 42-48 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7, 8, 33, 38 and 41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

Applicant's election with traverse is noted but is not persuasive because the burden on the examiner still exists with plural species. The requirement is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

Claims 1-5,7,8,33, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flemming III.

Flemming III disclose a component audit and inventory management system comprising:

a host unit,(system 108) resident in a host computer , the host computer comprising a processor, memory, and user interface; a host message handling system (read as the net work 111 which allows communication between server 112 and the computer system 108) operatively connected to the host unit and accessible to a data network:

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the host unit including: means for receiving a request-inventory message from a client computer via the host message handling system (interface 103 is read as this means because once device 102 is installed the system interrogate the device 102 for type date installed not installer see col. 4 lines 54 et seq.), means for generating an inventory commence message in response to the request-inventory message, and for forwarding the inventory-commence message to the client computer via the host message handling system (the host computer 108 communicates with the client computer 112 to respond to the inquiry e.g. detect or no detect device 102 see col. 4 lines 54 et seq.); means for receiving hardware and software inventory data associated with hardware and software installed on a target device associated with the client and collected electronically from the target device (the server 112 determines whether driver needs to be installed) , the inventory data having been collected by an Inventory agent installed on the target device and activated by the inventory-commence message (inventory agent read as the interface 103 which collects port data about the device 102 which is attached to it):

The step of aggregating Inventory data from a plurality of target devices associated with the client is deemed to be a mere repetition of parts to take the same information form one source as opposed to plural ones is not deemed to be patentable.

Re claim 2,3: the contingent authentication step of claims 2,3 is old and official notice is hereby taken thereof, but see, col.5 requires identifier for computer 108.

Re claim 4, 41: use of email is old in the art, official notice is hereby taken thereof.

Re claim 5: the boot up example in Flemming col. 4 is transparent to the user.

Re claims 7,8: the practice of store a log file is an old expedient in the computer art and official notice is hereby taken of it and of SQL.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming III as applied above, and further in view of Curkendall.

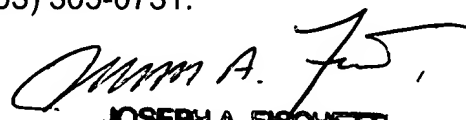
Fleming III does not disclose an agent with a transmitter, but does as shown above disclose one having a receiver including means for receiving an inventory-commence message from the client computer over the data network; a detector including means for collecting hardware and software inventory data associated with the target device in response to the inventory-commence message.

But Curkendall does disclose such a device at element 71 for transmitting to the host unit 10, via the data network, an inventory-data message including the inventory data associated with the target device. It would be obvious to modify Fleming III to include the transmitter of Curkendall the motivation being the ability to be mobile.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number ⁵⁷¹⁻²⁷²⁻⁰⁹²⁰ (703) 305-0731.


JOSEPH A. FISCHETTI
PRIMARY EXAMINER